In the High Court for the States of Punjab and Haryana, at Chandigarh.

F.A.O. No. 2713 of 2003 (O&M)
Decided on March 20,2007.

Union of India, through the General Manager, Western Railway, Church Gate, Mumbai. -- Appellant

vs.

Smt. Amarjit Kaur and others -- Respondents.

Present: Mr. P.C.Rakhra, Advocate, for the appellant.

Pritam Pal,J: (Oral)

This appeal, by Union of India, through General Manager, Western Railway, Church Gate, Mumbai, is directed against judgment dated November 22,2002, passed by learned Railway Claims Tribunal, Chandigarh Bench (hereinafter referred to as' the Tribunal'), whereby a total compensation of Rs. 4 lacs along-with interest @ 9% per annum, from the date of decision of the claim petition till its realization, was awarded, in favour of the respondents/claimants (hereinafter referred to as 'the respondents') ,namely , Smt. Amarjit Kaur,widow and five others dependents of Baldev Singh, since deceased, who had died in a railway accident on December 31, 1997.

The only contention of learned counsel for the appellant is that in fact, said Baldev Singh, was not holding any railway ticket at the time of his journey, therefore, finding returned on issue No.1, by

the learned Tribunal, is wrong. A perusal of the impugned judgment indicates that the deceased was travelling from Bombay Central to Ludhiana in Delux Bombay train and was holding a super fast ticket No. 50663538, a photo copy of the said ticket, has also been proved on the record, which indicates that the said ticket was issued on December 30,1997 and the accident had also taken place on December 31,1997. The argument of learned counsel for the appellant before the learned Tribunal was that in fact, said ticket was issued on December 31,1997,but the said contention was not accepted by the learned Tribunal, on the ground that on the photo copy of the ticket, date of issue, was clearly legible, which shows that the same was in fact, issued on December 30,1997. Moreover, Smt. Amarjit Kaur, also filed an affidavit wherein,she specifically stated that the deceased was holding ticket No. 50663538. Contrary to that, no evidence is there on the file to rebut the aforesaid evidence led by the respondents before the learned Tribunal.

No other point has been urged or argued before me by learned counsel for the appellant.

Taking an over-all view of the facts and circumstances, as discussed above, finding no merit in this appeal, the same is hereby dismissed.

So far as the question of condonation of delay of 120 days in filing this appeal, is concerned, now that requires no adjudication.

March 20,2007 (Pritam Pal)
RR Judge